

ESTTA Tracking number: **ESTTA737750**

Filing date: **04/04/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226463
Party	Defendant Advanced Charging Technologies, Inc.
Correspondence Address	LINDA M. NORCROSS Howard & Howard Attorneys PLLC 450 W 4th St Royal Oak, MI 48067-2557 ipdocket@h2law.com;lmn@h2law.com;scc@h2
Submission	Answer
Filer's Name	Stephanie S. Buntin
Filer's e-mail	ssb@h2law.com, ipdocket@h2law.com, ag@h2law.com
Signature	/Stephanie S. Buntin/
Date	04/04/2016
Attachments	AnswsertoNoticeofOpposition.pdf(253388 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTEL CORPORATION, Opposer, v. ADVANCED CHARGING TECHNOLOGIES, INC., Applicant.	Opposition No. 91226463 Mark: TRONIUM INSIDE Serial No.: 86/309735 Filing Date: April 24, 2015
--	--

**ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Advanced Charging Technologies, Inc. ("Applicant"), through its attorneys, Howard & Howard Attorneys PLLC, hereby answers the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore denies the same and demands strict proof thereof.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2, and therefore denies the same and demands strict proof thereof.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, and therefore denies the same and demands strict proof thereof.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4, and therefore denies the same and demands strict proof thereof.

5. Applicant denies the allegations of paragraph 5.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6, and therefore denies the same and demands strict proof thereof.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7, and therefore denies the same and demands strict proof thereof.

8. Applicant admits that USPTO records reflect Opposer as the current owner of the registrations referenced in paragraph 8. Applicant admits that the USPTO records reflect the registration dates, classes, and registration numbers for the registrations listed in the chart in paragraph 8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8, and therefore denies the same and demands strict proof thereof.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9, and therefore denies the same and demands strict proof thereof.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, and therefore denies the same and demands strict proof thereof.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11, and therefore denies the same and demands strict proof thereof.

12. Applicant denies the allegations of paragraph 12.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13, and therefore denies the same and demands strict proof thereof.

14. Applicant admits that USPTO records reflect Opposer as the current owner of the registration referenced in paragraph 14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 14, and therefore denies the same and demands strict proof thereof.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15, and therefore denies the same and demands strict proof thereof.

16. Applicant admits that USPTO records reflect Opposer as the applicant of the applications referenced in paragraph 16. Applicant admits that USPTO records reflect that the applications referenced in paragraph 16 include applied-for goods/services in International Classes 9, 38, 41, and 42, including microprocessors. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 16, and therefore denies the same and demands strict proof thereof.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17, and therefore denies the same and demands strict proof thereof.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18, and therefore denies the same and demands strict proof thereof.

19. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19, and therefore denies the same and demands strict proof thereof.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20, and therefore denies the same and demands strict proof thereof.

21. Applicant admits the allegations of paragraph 21.

22. Applicant admits that Applicant's TRONIUM INSIDE application (Serial No. 86609735) was filed on an intent-to-use basis. Applicant admits that the filing dates of U.S. Reg. Nos. 1705796, 2179209, 3795049, 4244794, and 2446347 pre-date the filing date of the TRONIUM INSIDE application. Applicant denies the remaining allegations of paragraph 22.

23. Applicant denies the allegations of paragraph 23.

24. Applicant denies the allegations of paragraph 24.

25. Applicant denies the allegations of paragraph 25.

26. Applicant admits that it may seek to do business with companies in need of the goods listed in the TRONIUM INSIDE application, namely, "Power supplies; electric power converters; power conversion devices"; however, the allegations in paragraph 26 are vague and ambiguous, and therefore Applicant denies the same.

27. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27, and therefore denies the same and demands strict proof thereof.

28. Applicant denies the allegations of paragraph 28.

29. Applicant denies the allegations of paragraph 29.

30. Applicant denies the allegations of paragraph 30.

31. Applicant denies the allegations of paragraph 31.
32. Applicant denies the allegations of paragraph 32.
33. Applicant denies the allegations of paragraph 33.
34. Applicant denies the allegations of paragraph 34.
35. Applicant denies the allegations of paragraph 35.

AFFIRMATIVE DEFENSES

Applicant, for its Affirmative Defenses, states as follows:

1. Opposer has engaged in trademark misuse and trademark intimidation by abusively using threats of litigation in an attempt to establish a predominant market advantage, and to enforce its alleged trademark rights beyond reasonable interpretation of the scope of any rights that might have been legitimately granted to Opposer as a trademark owner.
2. The common element in Opposer's asserted registrations, "INSIDE", is merely descriptive of Opposer's goods/services and has not acquired secondary meaning.
3. On information and belief, Opposer has failed to continuously use its PENTIUM INSIDE and/or ITANIUM INSIDE marks in commerce, resulting in abandonment of any rights it allegedly acquired in the marks.
4. None of Opposer's asserted marks is a famous mark under the Lanham Act. Registration of the TRONIUM INSIDE mark would not cause harm and/or dilution to a famous mark.
5. Applicant reserves the right to plead additional affirmative defenses as discovery progresses, as Applicant has not had the opportunity to complete discovery to know all of the available Affirmative Defenses at this stage of the Opposition Proceeding.

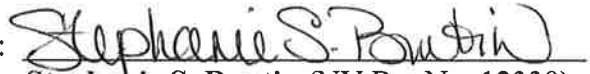
WHEREFORE, Applicant prays that trademark Application Serial No. 86/309,735 be allowed for Registration upon the Principal Register.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

Dated: April 4, 2016

By:



Stephanie S. Buntin (NV Bar No. 12339)

W. West Allen (NV Bar No. 5566)

450 West Fourth Street

Royal Oak, Michigan 48067-2557

Phone: (702) 257-1483 | Fax: (702) 567-1568

Email: ssb@h2law.com; ipdocket@h2law.com

***Attorneys for Advanced Charging
Technologies, Inc.***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this paper was deposited with the United States Postal Service as first class mail, postage prepaid, and via electronic mail, on the 4th of April, 2016, to the following addresses:

Bobby Ghajar and Marcus Peterson
PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. Figueroa St., Suite 2800
Los Angeles, CA 90017
bobby.ghajar@pillsburylaw.com
marcus.peterson@pillsburylaw.com
docket_ip@pillsburylaw.com
la-tmdocketing@pillsburylaw.com

Date: April 4, 2016

By: 
Stephanie S. Buntin

4839-3577-1183, v. 1